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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 SECURITIES AND EXCHANGE COMMISSION,  
14 Plaintiff,  
15 vs.  
16 DAVID SCOTT CACCHIONE,  
17 Defendant.

Case No. CV-09-1259 CRB

STIPULATION AND [PROPOSED] ORDER  
TO EXTEND THE DEADLINE FOR THE  
INITIAL CASE MANAGEMENT  
CONFERENCE

[Civ. L.R. 7-12]

21  
22 WHEREAS, the Securities and Exchange Commission (“Commission”) brought the above-  
23 titled action against David Scott Cacchione (“Cacchione”) on March 24, 2009;

24 WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by  
25 the Commission against Cacchione on March 31, 2009;

26 WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement  
27 and civil penalty to be imposed against Cacchione;

28  
STIPULATION AND [PROPOSED] ORDER  
EXTENDING CMC DATE

1 WHEREAS, Cacchione was initially scheduled to be sentenced in a related criminal action,  
2 *United States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009,

3 WHEREAS, Cacchione's sentencing date was postponed until September 29, 2009, and  
4 postponed a second time until October 7, 2009;

5 WHEREAS Cacchione received a criminal sentence on October 7, 2009, which included a  
6 restitution order of approximately \$47 million;

7 WHEREAS, Cacchione's criminal restitution order relates to the monetary relief sought by  
8 the Commission;

9 WHEREAS, an initial Case Management Conference was scheduled to occur in the above-  
10 titled matter on Friday, July 17, 2009 at 8:30 a.m. in this Court;

11 WHEREAS, the parties stipulated, and the Court ordered, to extend the date for such Case  
12 Management Conference until October 2, 2009, and then again until December 4, 2009; and

13 WHEREAS, in the interest of efficiency, the parties seek to extend the date of the Case  
14 Management Conference until January 8, 2010, at which time the Commission can more fully  
15 consider what additional remedies, if any, it will seek in light of the criminal sentence imposed by the  
16 Court.

17 IT IS SO STIPULATED.

18 Dated: November 17, 2009

19 \_\_\_\_\_ /s/  
20 Marc J. Fagel  
21 Mark P. Fickes  
Kristin A. Snyder

22 Attorneys for Plaintiff  
SECURITIES AND EXCHANGE COMMISSION

23 Dated: November 18, 2009

24 \_\_\_\_\_ /s/ David Scott Cacchione  
25 David Scott Cacchione  
11 Haciendas Drive  
26 Woodside, CA 94062  
27 Telephone: (650) 906-3620  
28 PRO SE

PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, December 4, 2009 to Friday, January 8, 2010.

Dated: November 19, 2009

